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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-924*

13 **SHANNON M. RYNEARSON, AKA**
14 **SHANNON MARIE RYNEARSON**
217 Pacific Oak Court
Folsom, California 95630

A C C U S A T I O N

15 **Registered Nurse License No. 477393**

16 Respondent.

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18 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about March 31, 1992, the Board issued Registered Nurse License
24 Number 477393 to Shannon M. Ryneerson, also known as Shannon Marie Ryneerson
25 ("Respondent"). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on March 31, 2014, unless renewed.

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JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct. . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

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1 (c) Be convicted of a criminal offense involving the prescription,
2 consumption, or self-administration of any of the substances described in
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
4 record pertaining to, the substances described in subdivision (a) of this section, in
5 which event the record of the conviction is conclusive evidence thereof.

6 COST RECOVERY

7 8. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
11 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
12 included in a stipulated settlement.

13 DRUGS

14 9. *Amphetamine* is a Schedule II controlled substance as designated by Health and
15 Safety Code section 11055, subdivision (d)(1).

16 10. *Diphenhydramine* is an antihistamine with warnings that it may cause marked
17 drowsiness, may increase drowsiness when taken with sedatives and and tranquilizers, and to be
18 careful when driving a motor vehicle.

19 11. *Meprobamate* is a Schedule IV controlled substance as designated by Health and
20 Safety Code section 11057, subdivision (d)(18).

21 12. *Soma*, a brand name for Carisoprodol, is a Schedule IV controlled substance as
22 designated by the Code of Federal Regulations, section 1308.14, subdivision (c)(5).

23 13. *Zolpidem tartrate* is a Schedule IV controlled substance as designated by Health and
24 Safety Code section 11057, subdivision (d)(32).

25 FIRST CAUSE FOR DISCIPLINE

26 (Conviction of a Crime)

27 14. Respondent is subject to discipline under Code section 2761, subdivision (f), in that
28 on or about August 9, 2011, in the case entitled *People v. Shannon Marie Ryneerson* (Sacramento
County Superior Court, 2011, Case No. 10M01754), in a criminal jury trial, the jury found
Respondent guilty of two counts of a Vehicle Code section 23152, subdivision (a), violation

1 (driving under the influence of any drugs, alcohol, or both), both misdemeanors, and crimes that
2 are substantially related to the qualifications, functions or duties of a licensed registered nurse.

3 The circumstances of the crimes are as follows:

4 a. On or about November 5, 2009, Respondent drove a vehicle while under the
5 influence of controlled substances (including, but not limited to, amphetamine, meprobamate,
6 carisprodol, and zolpidem), as well as diphenhydramine, and collided with a traffic trailer.

7 b. On or about March 24, 2010, Respondent drove a vehicle while under the influence of
8 controlled substances (including, but not limited to, hydrocodone, meprobamate, carisprodol,
9 zolpidem, and amphetamine), as well as diphenhydramine, and collided with a parked vehicle.

10 **SECOND CAUSE FOR DISCIPLINE**

11 (Dangerous Use of Drugs)

12 15. Respondent is subject to discipline under Code section 2761, subdivision (a), on the
13 grounds of unprofessional conduct as defined in Code section 2762, subdivision (b), in that on or
14 about November 5, 2009, and March 24, 2010, Respondent operated a vehicle under the influence
15 of drugs to an extent or in a manner dangerous or injurious to herself and the public, as described
16 in paragraph 9, subparagraphs a and b, above.

17 **THIRD CAUSE FOR DISCIPLINE**

18 (Conviction Involving the Use of Drugs)

19 16. Respondent is subject to discipline under Code section 2761, subdivision (a), on the
20 grounds of unprofessional conduct as defined in Code section 2762, subdivision (c), in that on or
21 about November 5, 2009, and March 24, 2010, Respondent was convicted of crimes involving the
22 use of drugs, as set forth above in paragraph 9, subparagraphs a and b, above

23 **PRAYER**

24 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Registered Nursing issue a decision:


26 1. Revoking or suspending Registered Nurse License Number 477393, issued to
27 Shannon M. Rynearson, also known as Shannon Marie Rynearson;

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1 2. Ordering Shannon M. Rynearson, also known as Shannon Marie Rynearson, to pay
2 the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
3 case, pursuant to Code section 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: APRIL 18, 2013


6 *for* LOUISE R. BAILEY, M.ED., R.N.
7 Executive Officer
8 Board of Registered Nursing
9 State of California
10 *Complainant*

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